

Strategy No. 1--The Continuum

Why?

The continuum opens up a range of responses on a given issue. It allows all students to express an opinion and publicly defend that position.

How?

An issue is defined by the teacher or students. The issue may be prepared ahead of time by the teacher or it may be an outgrowth of class discussion. The teacher draws a long line on the blackboard. At either end of the line create complete extremes of the issue. Be sure the views represent polar positions. Have the students place their initials on the line to represent their stand. Do not allow anyone to take a middle position. After placing their initials on the line, ask students to give their reasons for holding that position. After the discussion, provide an opportunity for students to change their position as a result of new information.

The activity can be varied by using masking tape to make a line on the floor. Students can actually stand on the line at the position they choose. They should then discuss their reasons for selecting that position with students standing near them. Next allow each student or a representative of each basic position to justify the stand. Again students should be permitted to change their positions as a result of the discussion.

Each student can make an individual continuum by taking a sheet of paper, drawing a line on the paper, and placing an "X" at the appropriate point. Next ask the students to circulate and discuss their positions with students whose positions are similar to and different from their own.

Another variation would be to use the corners of the room to represent four specific positions on an issue. Provide the opportunities for discussion and changing positions.

Strategy No. 2--Role-Playing

Why?

Role-play offers students an opportunity to engage in play-acting. Most students find great pleasure in assuming a role and teachers find it a way to stimulate students and to vary classroom activities.

How?

Role-play is a useful classroom tool and will be most successful when a sequence of steps is followed.

1. Selection of the role-play situation should be consistent with the teaching goals and the needs and limitations of the students.
2. A preliminary activity where students engage in simple and familiar role-playing can help to relax all students and give them practice and confidence in public performance and expression.
3. The teacher should explain the general situation to the group and explain the purposes of the drama.
4. The teacher should then explain the specific roles to be played by students and the role requirements for the audience.
5. The dramatic action should follow with the teacher intervening when necessary with questions designed to keep the action moving and the players in character.
6. After the dramatic action, the teacher should lead a debriefing session to help the class review the action, analyze causal relationships and speculate on alternative behavior and consequences.

Strategy No. 3--Brainstorming

Why?

Brainstorming is a problem-solving tool. It encourages imagination and creativity and helps elicit a number of ideas on a subject. It can be used by itself or in conjunction with one of the other suggested activities.

How?

The teacher or a student states a problem which needs a solution. The class suggests as many alternative solutions as possible using the following rules:

1. No evaluation or discussion of ideas is allowed in the brainstorming session. Judging and evaluating ideas tend to limit contributions.
2. Encourage any idea no matter how wild it may seem. It is easier to tame down a wild idea than to pep up a bland one.

3. Encourage participants to think up as many ideas as possible. When ideas are coming fast, people tend to give their imaginations a wide range and good ideas result.
4. Encourage participants to build and modify contributions of others. Often combining or modifying leads to superior solutions.

Strategy No. 4--Ranking

Why?

Ranking gives students practice in choosing among possible alternatives and in openly supporting and defending or explaining their choices. It stimulates more critical consideration of an issue than might otherwise occur.

How?

After the class has participated in an activity where several ideas have emerged, the teacher asks the students to rank these choices according to their own preferences. The ranking can be conducted in a large group by calling on different class members or it may be done in smaller groups. After the ranking, a class discussion may follow with students stating the reasons for their choices.

Strategy No. 5--Listing and Coding

Why?

This activity encourages students to look at a topic from different viewpoints. The students may do the listing and coding assuming a role or as themselves. As they go through the activity they will be forced to look at a question from all sides; consequently, real insight should develop.

How?

The teacher asks the students to take a piece of paper and list 10 to 20 things in response to a question. (i.e. List 10 to 20 responsibilities of citizenship in the American democracy.) After the listing is completed, the students are instructed to draw lines making columns out to the side of the list. In the columns, the students code their lists according to the instructions of the teacher. (i.e., Put a check by the responsibilities which you have assumed in the last year. Put a check if you willingly accept the responsibility, etc.)

Strategy No. 6--Interrupted Film

Why?

This activity allows the teacher to focus the student's attention on specific points in a film or filmstrip so that they gain the understandings and insights desired. Audio-visual materials are one of the most valuable tools in teaching. By engaging the eye and ear, more impact is usually made. However, there is often so much to see in a film or filmstrip that the students may miss the purpose the teacher had in using the material entirely.

How?

If at all possible, preview the film to determine where you will stop the film and what questions you will ask to get students to focus on the specific theme. Be sure all questions relate to the purpose in selecting the film or filmstrip. Cassettes or records can be used the same way. If time does not permit previewing, stop the film or other material whenever an important idea emerges.

Strategy No. 7--Open Interviewing

Why?

This activity gives the student center stage in the classroom and a chance to explain his position or feelings on an issue. He may be interviewed as himself or in an assumed role.

How?

This activity is suggested for use in two ways. When a discussion or situation arises which the teacher or students wish to examine more closely, the teacher asks for volunteers who would like to be interviewed about the topic. The teacher asks the student questions about his beliefs and feelings. If the student answers, he must answer honestly, but he may decline to answer. The teacher may be interviewed, too.

Another way to use the public interview is to set up a role-play situation. Following the role-play, interview the participants, having them relate their reactions as to what happened.

Strategy No. 8--Establishing Priorities

Why?

This strategy helps students identify priorities within their own value systems.

How?

Teacher gives the students dittoed sheets with the following instructions:

Below is a list of items arranged in alphabetical order. Your task is to arrange them in order of their importance to you.

Study the list carefully. Then place a 1 next to the item which is most important to you; place a 2 next to the one second most important to you, and so on. If you change your mind, feel free to change your answers.

Follow with a class discussion allowing students to give reasons for their choices. Strategies 10 and 12 may also be used as a follow-up.

Strategy No. 9--Range of Positions

Why?

This activity, along with the continuum, helps students to see the wide range of possible positions on any given issue.

How?

The teacher breaks the group into small groups of five or six and gives them an issue which has four to six possible positions. The teacher may wish to identify the positions ahead of time or let the students identify them. Each student takes one of the positions, not necessarily his own, and writes a paragraph defending it. After the paragraphs have been shared, each group member reveals his own position and discusses the issue. If all groups were working on the same issue, each group's continuum is displayed for all to see and a class discussion follows.

Another variation is to have the ranges of position posted around the room on the walls. The class members can walk around and select the position that comes closest to their own. They may then state aloud to the whole class or to others in their group their reasoning on the issue.

Strategy No. 10-- Choosing and Acting

Why?

This activity is designed to provide students with practice in searching for alternatives when considering a solution to a problem.

How?

The teacher begins by discussing the reasons for choices which we make. Often we act out of habit rather than considering alternative ways of acting. The teacher then suggests a problem. It may be an outgrowth of a previous study or discussion or it may be suggested by the teacher to introduce a new topic of study.

Next, ask the class to brainstorm (**Strategy No. 3**) as many alternatives to the problem as they can think of in the time allotted--generally from three to five minutes--depending on how long it takes to exhaust suggestions.

The students are then formed into groups of three to four. They are to develop, as a team, a list of alternative solutions by combining their individual lists and by adding solutions suggested in this group setting. When the group has exhausted all of the alternatives they can think of in the time allotted--usually about 10 minutes--they are to choose the three alternatives they like best and rank these (**Strategy No. 4**).

The groups then report their results to the class as a whole. Discussion may follow. If you wish to encourage action on the part of students, you may ask if they would consider using any of the alternatives suggested. They may even write self contracts to implement the suggestion.

Strategy No. 11--Unfinished Story Alternatives

Why?

This strategy enables students to consider alternatives for action in various specific situations.

How?

The teacher presents a specific situation which calls for some proposed action. Or the students may recall some situations where they were faced with a choice of actions. The situation may be related by the teacher or role-played by the class, omitting the chosen course of action. The students are then asked, "What would you do?" Each student individually is to write out briefly what he would do in the given situation. Then the students break up into groups of three or four to discuss their proposals and try to decide which of their solutions would be the most desirable. They should select one and role-play it for the rest of the class. They may also relate it to the class if the teacher wishes. Following the role-play, the whole class should discuss each possible solution. **Strategy No. 12** may be used in conjunction with this strategy.

Strategy No. 12--Predicting Consequences

Why?

This strategy gives students practice in considering the consequences of a chosen alternative.

How?

This activity should be used when students have had an opportunity to select a variety of possible solutions or courses of action. (The alternatives could be generated by **Brainstorming, Strategy No. 3**, or the activity could be used in conjunction with **Strategy No. 10** or **Strategy No. 11**.) Either individually or in groups, ask the students to select the three most appropriate alternatives. List each alternative and under it list as many consequences as the students can suggest. Students should realize that there is always an alternative to any given course of action. If the students suggest only one alternative, then have them consider the consequences of following or *not* following that course of action.

Strategy No. 13--Cartoons

Why?

Cartoons are a useful tool for stimulating thinking or for allowing students to translate concepts and knowledge using a creative and entertaining media. The teacher may wish to use this activity as an evaluation instrument. It enables her to see if the desired learning has taken place but does not pose the threat of the standard pencil and paper test.

How?

Following a study of a topic which has several inherent issues, the teacher suggests that each student select one of the issues and illustrate it in cartoon form. It may be necessary to study political cartoons from the newspaper or other sources if the students are not familiar with this form of expression. The cartoons can be placed on the bulletin board for the class to examine or the teacher may select some or all and have the students respond to the cartoon by telling what it means and how it depicts one of the issues in the completed study.

The teacher may also wish to select a cartoon that is relevant to an issue which has been the topic of a classroom study. The students may then discuss the artist's viewpoint and respond to it.

Strategy No. 14--Collage

Why?

The collage is a visual representation of an idea. It allows students to use their imagination as they select visual symbols which depict events, feelings, and attitudes on a given subject.

How?

Divide the class into small groups and give them a topic. They will need to discuss the topic and decide on symbols which might be used to represent the idea. Provide pictures, words, and letters, either available in magazines, newspapers, etc., or already cut out, poster board, paste, scissors. Watch the progress of the project but do not give suggestions. Make them come up with their own ideas. After the collages are completed, let each group show its work. Do not let the group showing the collage talk about its work, but ask for responses from the rest of the group. "What feelings does the collage give you?" Write the responses or summaries of the responses on the blackboard. Ask the students who made the collage if these comments agree with what they intended and if they wish to make additional responses or comments. Continue until all groups have shown their work and a full discussion has transpired.

Strategy No. 15-- Simulation

Why?

Simulation involves students in real situations through a symbolic model of an actual or hypothetical process. It allows the participants to learn and practice new behavior, and to analyze problems and make decisions through the use of role-play.

How?

The teacher may select simulations which are already prepared, either commercially or by someone else. In this case he will need to follow the directions and play the game accordingly. In other cases, he may wish to alter the game to achieve additional or other purposes.

After participating in simulations, the teacher and students may wish to construct models on their own. Select a situation and use only those elements of reality relevant to the purpose of desired outcomes. You will need to define boundaries, set up rules, and place restrictions on those who participate. The most important part of a simulation activity is the debriefing session where the students ask about the model and about the real world analogues to events and factors in the simula-

tion. Gear your questions to focus on the ways the simulation experiences reflects the kind of experiences people have in the real world situation you portrayed.

In using the technique of simulation, the leader should always keep in mind that the focus is the relationship between the simulated model and the real thing.

Strategy No. 16--The Sociodrama

Why?

The sociodrama is a form of role-play or dramatic improvisation. The activity places students in a new identity in a temporary and protected situation, thus allowing real feelings and thinking to emerge. It provides an opportunity to present both sides of an issue and requires participants and observers to consider alternative views.

How?

Any kind of potential or real conflict situation is useful for this type of role-play. Begin with carefully structured activities and clearly defined roles that each participant is to play. Begin with the most secure students as actors. Stop the role-play when it is apparent that the fruitful outcomes are exhausted. One way to liven things up is to add characters while the play is in progress, permit actors to add characters as they see the need for it, or change roles in the middle of the play.

Following a role-playing situation, a discussion in large, or small groups is valuable. These questions are suggested:

1. How did you as actors feel?
2. How would observers have done things differently?
3. Would things work out that way in real life?
4. What might we learn from this incident or situation?

Strategy No. 17--The Inner-Outer Circle

Why?

To teach facility at group discussion by focusing on process as well as content.

How?

Begin by asking the group what makes a good discussion. The following points should be brought out, but use the material provided by the group to establish

"rules." If they do not cover all these points it may be worthwhile to proceed with the technique and see if new rules are added.

1. listen to each other
2. participate
3. don't interrupt
4. build on what other people say
5. be relevant--stick to the point

Divide the group in half (arbitrarily). Form two circles; the outer circle focuses on process, the inner circle on content. Discussion begins with a question. It may be posed by the group or instructor. Either way it should be one over which there is some disagreement.

Phase I	Inner circle discusses Outer circle observes process	5-7minutes
Phase II	Outer circle gives feedback on process only Did the group adhere to "what makes a good discussion?"	3 minutes
Phase III	Switch circles--new inner circle discusses content	5-7 minutes
Phase IV	Outer circle gives feedback on process	3 minutes
Phase V	Evaluation--Anyone may comment on any aspect at this time	3 minutes

The technique has been most successful when the instructor does not interfere except as a timekeeper. It should be used on a regular basis if the group is to learn from it. For younger students, twenty or thirty minute periods twice a week are more valuable than extended periods once a week.

Strategy No. 18--Open-ended Statements

Why?

This strategy may be useful as an introductory activity or as an evaluation tool.

How?

The teacher provides a stem phrase and asks students to complete it with any and all endings which come to mind. As an introductory activity this strategy focuses on the topic to be studied and provides an assessment of students' knowledge and attitudes on a given subject. The same stems can be used at the conclusion of the study to measure gains in knowledge and change in attitude.

Strategy No. 19-- The Case Method Approach

Why?

The case study allows students to grapple with real issues, to reach and support a decision, and to weigh the consequences of that decision. In approaching a problem through a case study, the student will gain practice in all levels of thinking from simple recall to evaluation.

How?

Provide students with the facts, only, of the case. Use questions and role-playing, (**Strategy No. 2**) to identify the issue(s), develop arguments, and reach a decision. Next, provide students with the court decision. Use questions and discussion to compare and contrast their decision with that of the court and to consider the implications of the court's decision.

Sample Case Study -- Gideon V. Wainwright

Facts:

Who was Gideon?
 What crime was he accused of committing?
 Why did Gideon not have a lawyer? Why did Gideon want a lawyer?

Issues:

Why did Gideon think that he had a right to a lawyer?
 Do you think the 6th Amendment means that a State must pay for a lawyer for a poor defendant?
 State the Constitutional question that the Supreme Court must answer.

Arguments:

What are the arguments favoring Gideon's position?
 What are the arguments favoring the State of Florida's position?

Decision:

Should the Supreme Court review the case? Why?
 How would you decide Gideon's case?

Evaluation:

What was the Court's decision?
 What reasons did the Court give for its decision?
 Do you agree with the Court?
 What effect do you think the decision will have upon the rights of individuals? on the efficiency of the courts? on the powers of the States?
 Should States be required to provide free legal counsel for indigents accused of minor crimes? traffic violations? Should the State be required to provide poor people with money to pay private investigators, expert witnesses, etc.?

SAMPLE CASE STUDY:

BURSON V. FREEMAN - Free Speech Versus Voter Protection

ISSUE IN A NUTSHELL: The question before the United States Supreme Court was whether the State of Tennessee could ban electioneering within 100 feet of an outside door to a polling place. In this case, the court had to balance the constitutional rights to free political speech against the state's interest in protecting voters from intimidation and fraud as they enter the polling place.

SUMMARY OF FACTS AND ISSUES: Mary Rebecca Freeman, a political campaign treasurer in Tennessee, challenged the Tennessee state law which prohibited the solicitation of votes and the display or distribution of campaign materials within 100 feet of the entrance to a polling place. She said that the law limited her ability to communicate with voters, in violation of the First and Fourteenth Amendments.

In general, the courts have applied different tests to different categories of laws restricting speech. Categories depend on factors such as the kind of speech (e.g., political or commercial), and the persons, time, and places affected. According to the main United States Supreme Court opinion, this category of speech was a "content-based restriction on political speech in a public forum." A "content-based" restriction means the state is not only regulating communication; the state has also decided which topics are permissible and which are forbidden. Therefore, the State of Tennessee had to show a "compelling interest" in banning the speech.

The State Supreme Court of Tennessee had previously ruled that the state had a compelling interest in banning such speech inside the polling place itself, but had not shown a compelling interest in banning speech outside the polling place.

SUMMARY OF DECISION: On May 26, 1992, Justice Blackmun (joined by Chief Justice Rehnquist, Justice White, and Justice Kennedy), announced the majority opinion. The opinion reviewed the early history of campaign bribery and coercion which led to the 19th century election reforms in most states of official, secret ballots, and restrictions on the areas surrounding polling places. The majority concluded that the state was not required to prove that an election regulation is perfectly tailored to achieve the compelling interest. A legislature could anticipate and protect against potential abuses so long as the law was reasonable and did not significantly impinge on constitutionally protected rights. The majority viewed the 100-foot distance as "a minor geographic limitation," and that it was not unconstitutional for the State of Tennessee "to decide that the last 15 seconds before its citizens enter the polling place should be their own, as free from interference as possible." The majority warned that at some point a regulation of a certain distance from a polling area could become an impermissible burden on the First Amendment; however, the 100-foot boundary was on the "constitutional side of the line."

DISSENT: Justice Stevens (joined by Justices O'Connor and Souter) filed a dissenting opinion. (Justice Thomas did not take part in the case.) The dissent argued that the

majority used history as an inadequate substitute for the state's burden to provide factual proof of its need for the law. The dissent noted that long historical usage does not make a practice constitutional, and that necessity for many years is not proof of necessity in the present. The dissent also argued that the State had not proven the compelling need for a content-based restriction, i.e., why voters had to be protected in particular from campaign workers but not, for example, religious pamphleteers. The dissent concluded that the law unconstitutionally restricted free political expression in "an area in which the importance of First Amendment protections is at its zenith."

FOR INSTRUCTOR: STRATEGIES FOR ADDITIONAL DISCUSSION:

In addition to discussing the facts, issues, arguments, and evaluating this case, as outlined in the *Gideon v. Wainwright* example, you may wish to select one of the following for use with this case.

1. The current Texas Election Code Section 61.003 states:

Electioneering and loitering near polling place prohibited.

(a) A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person:

(1) loiters; or

(2) electioneers for or against any candidate, measure, or political party.

(b) In this section, "voting period" means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

(c) An offense under this section is a Class C misdemeanor.

Compare this to the Tennessee statute. Why do you think the Texas Legislature banned all electioneering, regardless of whether the subject was on that day's ballot?

2. Under current Texas law, the anti-electioneering rules are different for branch early voting by personal appearance before election day. The basic rule is that electioneering is prohibited within 30 feet of the (interior) entrance to the polling area. Ask your class if they have seen any of the distance markers at early voting polling places, or on election day. Measure 30 feet down the hall from your doorway to see where the marker would go if your classroom were the early voting polling area. Then measure 100 feet from the outside entrance to the school building. Have various class members role-play campaign workers and voters walking in to vote. Discuss what distance, if any, the students would make the law for early voting or election day.

3. In the majority opinion, Justice Blackmun referred to a time in history when colorful privately printed ballots were created so people who wanted to bribe or coerce voters could easily observe them vote the "right" ballot. The Texas Election Code requires that a voter go to a voting station alone, unless the voter needs and

chooses assistance. Also, it is a crime for anyone to reveal a voter's vote. Why is a secret ballot important? When should there be exceptions, if any?

4. The full text of the opinion is at 112 Supreme Court 1846 (1992).

NOTE: This sample case study and exercise has been supplied by the Office of the Secretary of State.

Since the case study is the heart of a law studies program, variations on this strategy should be used to insure its continued effectiveness. Some suggested variations are:

ROLE PLAY CASE STUDY: The fact situations in many cases can easily be role-played following the procedure outlined in **Strategy No. 2**. This variation is effective when several similar cases are to be studied and time is short. Follow the role-play with a discussion comparing the fact situations, the issues, possible arguments, and decisions involved in each case.

COLLAGE CASE STUDY: Use **Strategy No. 14** with the following alteration. Divide the class into three groups, one for facts, one for issues, and one for the decision. Provide each group with the necessary collage materials and a summary of the case, excluding the decision. Give each group a copy of the instructions below. After the whole class has had time to respond and react to the collages, pass out copies of the Supreme Court's decision and evaluate the Court's reasoning and its implications. Compare the Court's decision to the one reached by the decision group.

Instructions for the Fact Group:

1. Read the facts about a real court case.
2. Make a collage that will depict the *facts* of this case so that anyone seeing the collage will know what this case is about.
3. Caution: Be sure the collage tells only the facts and not your feelings about the facts.

Instructions for the Issue Group:

1. Read the information about a real court case.
2. If applicable, read the Amendments to the Constitution and decide which Amendment(s) and which right(s) are involved in this case.
3. Make a collage that will depict the *issue* of this case so that anyone seeing the collage will know what the Constitutional question is.
4. Caution: Do not let the collage give away your own feelings about how the case should be decided.

Instructions for the Decision Group:

1. Read the information about a real court case.
2. If applicable, read the Amendments to the Constitution and decide which Amendment(s) and which right(s) are involved in this case.
3. Make a collage that shows how you would decide the case so that anyone seeing the collage will understand two things: (1) what your decision is and (2) why you decided the way you did.
4. If your decision is not unanimous, reserve a section of your collage for dissenting opinions.

GROUP DISCUSSION CASE STUDY:

1. Break the class into small discussion groups with five or six students in each group.
2. Have each group select a judge and a secretary.
3. The judges form a group at the front of the room.
4. Present the facts of the case to the class and as a whole.
5. Allow ten minutes for the group to arrive at a decision which will be written down by the secretary--giving the rationale.
6. Each group states its decision and rationale as the others listen.
7. The judges then decide which solution they like best and give reasons for their preference.
8. The decision of the majority of the judges would decide the case.
9. If the case was a real case, compare the decision of the judges with the historical decision.

LEARNING STATIONS CASE STUDY: SEE STRATEGY NO. 27

CONTEMPORARY CASES: Newspapers and magazines are a rich source of additional material appropriate for the case study method. Periodicals can be used to illustrate and update legal concepts. The discussion of a contemporary issue often requires the most critical thinking since the topic is timely and truly open ended. The same general questioning pattern may be used.

Strategy No. 20-- The Mock Trial

Why?

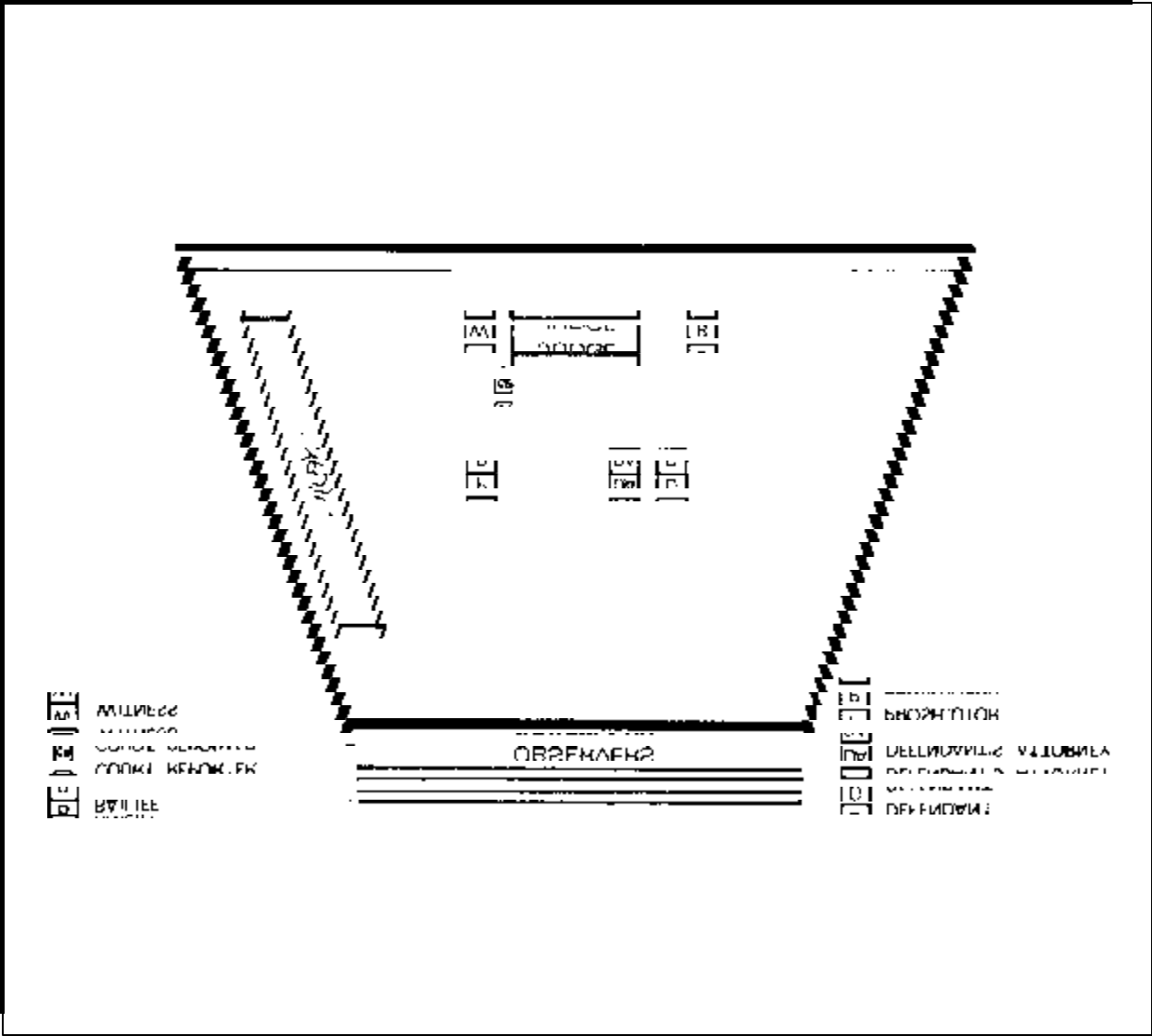
A mock trial allows students to gain first-hand experience in trial procedure. Students assume roles, apply information already learned, and solve problems in the court setting. It also may serve as an evaluation tool.

How?

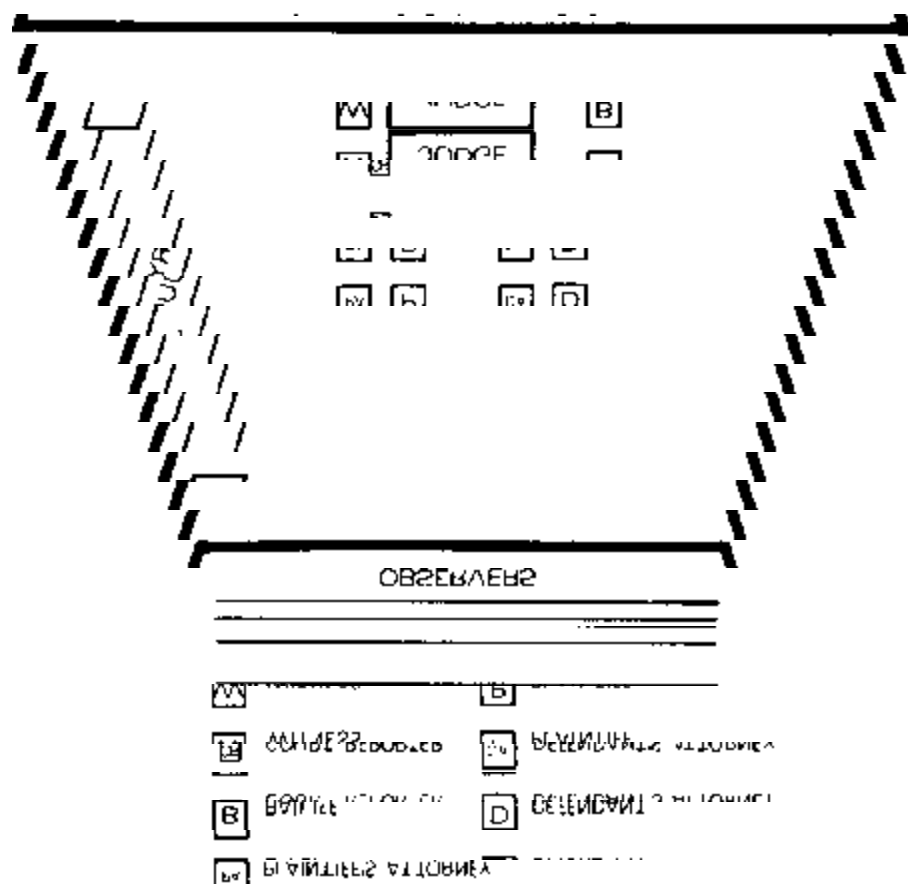
The information below outlines the procedure for conducting a mock trial for either a civil or criminal case. Mock trials are most successful if introduced after students have gained some understanding of legal procedure. The time needed for a mock trial will vary according to the teacher's purposes. Adequate time must always be reserved for preparation and debriefing, if maximum results are to be obtained.

Diagrams of a civil courtroom, a criminal courtroom, and a juvenile courtroom are included. These may be useful in setting up a classroom courtroom and in discussing and comparing the participants and procedures in each type of trial.

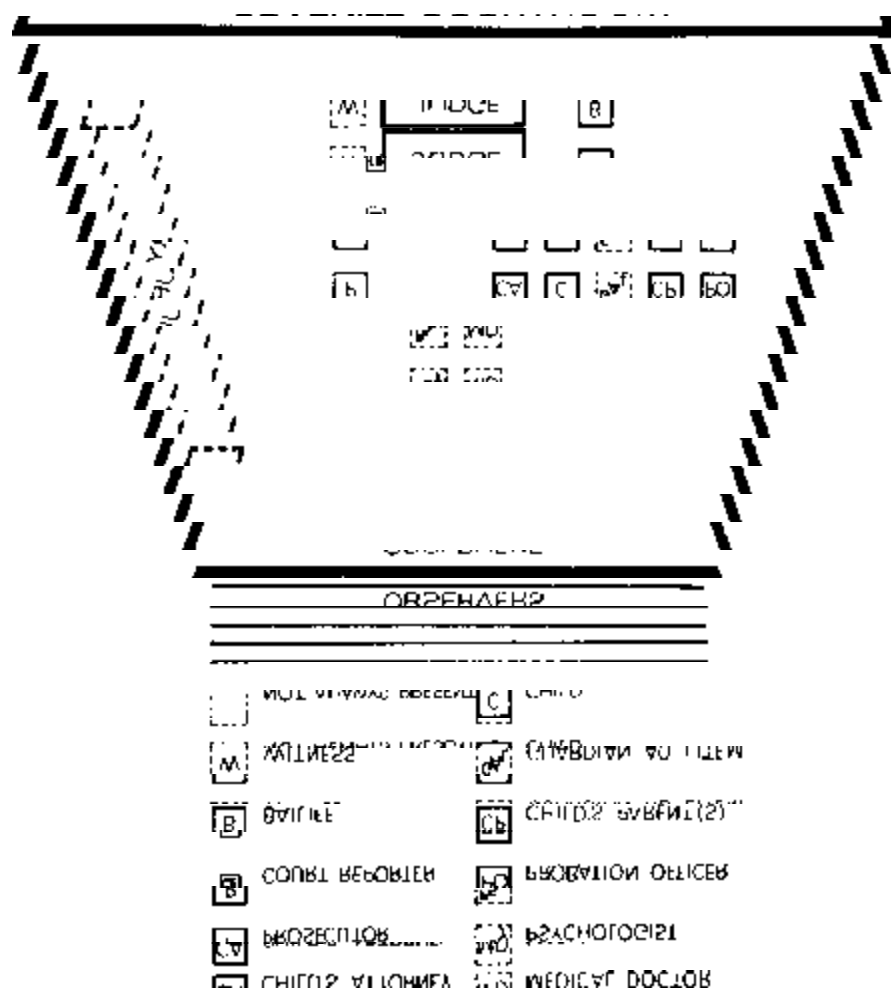
Criminal Courtroom



Civil Courtroom



Juvenile Courtroom



PROCEDURES FOR CONDUCTING A MOCK TRIAL

Mock Trial Participants

1. The Judge, to be elected by the class. This position is the most difficult and bears the most responsibility of any in the class. The Judge must be able to evaluate both sides in a debate over procedures or points in testimony and be able to decide quickly and firmly on points of conflict. He must be respected, in order to keep the court in its proper decorum, and he must be able to keep out of the ensuing court battle except in cases in which he is called upon to decide. Finally, after the attorneys make their closing arguments, he must be able to instruct the jury on principles of laws and their application to the facts which they have to decide. If the class decides to publish a class newspaper, the Judge must also be familiar with the laws involving press coverage.
2. Prosecuting attorney, to be elected by the class. The Prosecuting attorney must build a case which shows the defendant is "guilty beyond a reasonable doubt" in a criminal case; or, in a civil case, he must prove the case by a "preponderance of the evidence." This means the greater weight of the evidence.
3. Defendant's attorney, to be elected by the class. The defendant's attorney must "shoot holes" in the prosecuting attorney's witnesses by showing them to be unreliable, illogical, or contradictory to other witnesses' testimonies. If he can create reasonable doubt in a criminal case in the minds of the jurors, his client will not be found guilty. In a civil case, he or she must show the plaintiff does not have the greater weight of the evidence supporting him. His case, also, must be built around the questioning of witnesses (direct and cross examination). He may not assert or accept opinion except in his closing argument.
4. Attorney's assistants, chosen by each attorney. The assistants confer with their attorneys, their witnesses, and provide legal aid (and moral support) during the trial. They may not discuss the case with anyone other than their attorney. The number of assistants depends upon the size of the class.
5. The Recorder and the Clerk (the same person), elected by the class. As Clerk, he or she opens court and swears in witnesses. As Recorder, he or she operates the tape recorder and keeps a record of the numbers of the tape when each witness begins and ends testimony. The job is important because attorneys and the Judge may request testimony previously given in a disagreement over conflicting statements.
6. The jurors, selected by the attorneys from the rest of the students. Those not chosen may be used as witnesses. If fourteen are questioned, each attorney has four peremptory challenges (for six-person jury). The jurors *cannot* take notes, ask questions, react excessively, or discuss the trial with anyone for the

duration of the trial. It is most important that the last requirement be followed. Also, the jurors must follow the Judge's instructions (charge) at the conclusion of the presentation of the cases. During the deliberation session, the jurors are not to relate personal experiences or personal knowledge to the case. They are not supposed to think in terms of the product of their decision (the penalties involved); instead, the jurors are to evaluate the facts placed before them by the attorneys and decide based on those facts. At the beginning of the deliberation, the jurors are to elect a foreman who will conduct the voting of the jurors, and report the verdict to the Judge.

7. The defendant, the victim-complainant (if the case calls for one), and other witnesses to be decided after the facts of the case are decided. The defendant and the victim-complainant function as witnesses; all witnesses must adhere to the facts of the case. They cannot contradict the facts.

Optional Participants -- Classroom Newspaper Coverage of Trial

1. Students who wish to publish a newspaper should be selected prior to the trial so they may study the legal issues and be familiar with the problems in covering a trial.
2. The newspaper editors should meet with the judge and lawyers to explain the type of coverage they are planning and to hear the limitations the judge may place on the press.
3. Reporters should interview the lawyers, police, etc., prior to the trial and write stories.
4. A paper may be published (mimeograph or any form) for each day the trial is in session.
5. Use imagination. Reporters may write other stories related to classroom procedures or make up stories comparable to those found in a daily paper. Make sure, however, that fact is distinguishable from fiction.

Ground Rules

1. Each witness must be sworn in before taking the stand.
2. Questions for examination of witnesses must be carefully planned.
3. Grounds for objections are:
 - a) Witness is incompetent
 - b) Question is irrelevant
 - c) Attorney is badgering the witness
 - d) Attorney is leading the witness

Judge must rule on the objection by sustaining it or denying it.

4. The cross-examination: the attorney tries to discredit the witness' testimony, but questions *must be* confined to the testimony introduced by the preceding attorney. The cross-examiner may "lead" a hostile witness, if he knows the witness is hostile (Judge must decide).
5. After the attorneys make the statement, "Your Honor, I rest my case," they may not call other witnesses. In civil case, plaintiff closes, defendant closes.

6. Time demands that redirect and recross be limited to one time only.
7. ATTORNEYS MAY NOT SPEAK DIRECTLY TO ONE ANOTHER DURING THE TRIAL (such as arguing).
8. All remarks must be addressed to "Your Honor." If a disagreement arises, the Judge should ask the attorneys to "approach the bench." After hearing the objections of each attorney, the Judge makes a decision which Must Be Accepted By The Attorneys Without Further Comment.
9. Each attorney will inform the other attorney of the witnesses that he intends to call.
10. All testimony must be in accord with "the facts" set up for the Mock Trial. However, use your imagination. Additional testimony may be introduced as long as it does not contradict "the facts."
11. The Defense Attorney may not put a witness on the stand whose testimony directly contradicts that which has already been given under "Oath."
12. The Prosecution must skillfully weave a web of circumstantial evidence. He may not put a witness on the stand to say: "I saw him or her kill (or whatever) the victim."
13. Because of time limitation, presentation of each side's case should be limited to a day and a half (1 1/2 class periods).

Procedures (check with county)

1. After a classroom unit on the judicial system, invite a speaker or lecture on the specifics of conducting a trial, such as choosing a jury, peremptory challenges, how to get an exhibit introduced into evidence, what the basis for objection can be, the admissibility of lie detector, psychological tests, etc.
2. The class votes on two attorneys, a judge, and a recorder-clerk. The attorneys choose their assistants who will help them build their cases, prepare witnesses, etc.
3. A committee of volunteers meets to draw up the facts of the case which will be tried.
4. The instructor meets with the judge, attorneys, and their assistants. The case is read (changes agreed on by both attorneys may be made). It is decided which attorney will be the Prosecutor and which will be the Defense and procedures will be discussed.
5. One day is devoted to choosing a jury. Each student who is not already involved is questioned as a prospective juror. Those not chosen may be used as witnesses. Each attorney has some (4 in the case of 14 possible jurors) peremptory challenges.

FORMAT: The _____ District Court of the State of Texas is now in session. The Honorable Judge _____ presiding. Will everyone please rise.

Judge enters, taps gavel, and says, "Be seated." Judge explains to the prospective jurors that they may or may not be selected in the case. Also, he makes a brief statement of the facts involved, so the prospective jurors are acquainted with the case in order that they may intelligently answer questions put to them by the attorneys. The Judge instructs the Clerk to call the

first prospective juror. Each prospective juror (and witnesses later in the case) is administered the Oath by the Clerk:

Raise your right hand (left hand is placed on the "book"). Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth? (Answer: I do). Be seated please.

Prospective juror is questioned first by the Prosecuting Attorney and then by the Defense Attorney.

Sample questions:

State your name, age, and occupation.

Are you acquainted with the defendant or his attorney?

Do you know the facts related to this case?

Have you formed an opinion in this case?

Either attorney may challenge a prospective juror for cause, such as:

Your Honor, I challenge this juror because he is clearly prejudiced against the defendant.

Some jurors (number to be decided before voir dire) may be excused on the basis of peremptory challenges (no reason given by attorney).

6. After the jury of (6) (12) persons is chosen the trial begins. In a criminal trial, the judge calls for the reading of the indictment by the prosecuting attorney before asking for the opening statement.

Indictment (Criminal)

In the name and by the authority of the State of Texas, the Grand Jurors, duly selected, organized, sworn and impaneled as such for the County of _____, State of Texas, in the _____ (year) term, of the district court of said county, upon their oaths present in and to said court that on or about the _____ day of _____, AD 19____, in the county and state afore-said, and anterior to the presentment of this indictment, one _____ did then and there voluntarily and with malice afore-thought _____ against the peace and dignity of the State.

signed: _____
Name of Foreman of Grand Jury

There is no indictment in a civil case. The trial begins with the opening statement by the plaintiff's attorney.

7. Opening statements, which are confined to the facts the attorney intends to elicit in obtaining evidence, are made by each attorney to the jury. Prosecutor is first.

8. After the opening statements:

Judge: Is the Plaintiff's Attorney (in civil case) or Prosecuting Attorney (state in criminal case) ready?

Attorney: I am, Your Honor.

Judge: Is the Defense Attorney ready?

Attorney: I am, Your Honor.

Judge: Will the Prosecuting (Plaintiff's) Attorney call his first witness?

Each witness is sworn in before taking the stand.

9. Examination of witnesses by Plaintiff's (civil) or State's (criminal) attorney must be carefully planned (each question). The witnesses must testify to matters of fact, those things which they actually saw, heard, touched, or smelled. He cannot give opinion or relate hearsay, which is what a third party has told him about the parties in the action. The attorney cannot ask leading questions of his own witness. Authorities who are especially qualified to state opinion may do so.
10. Cross-examination of witnesses by Defendant's lawyer must try to discredit the witness' testimony introduced by the preceding attorney. The cross-examining attorney may ask leading questions for the purpose of obtaining information the witness might have otherwise tried to ignore. Also, the attorney may try to bring out prejudice, bias, or contradiction in the testimony by the witness. Plaintiff's (State's) attorney may object on the basis that questions do not deal with facts touched upon in direct examination as well as previously mentioned basis of objection.
11. Redirect (only one allowed because of time): covers new matters brought out by the cross-examination and tries to rehabilitate the validity of the witness' testimony.
12. Re-Cross (only one allowed because of time) attempts to clarify or reiterate essential points of testimony if necessary.
13. After all witnesses for the Prosecution (Plaintiff) are called, the Prosecution says, "Your Honor, I rest my case."
14. Defense calls his first witness. After the same procedure which is stated above is followed with the defense witnesses, Defense rests.
15. Each attorney presents his or her summation speech to the jury (Defense first, Prosecutor or Plaintiff's attorney last).
16. Judge gives Charge to the jury. The charge states the issues in the case, tells the jury what it must decide as to the issues. Also, the judge explains what the jury is to do when they leave to decide. They must first elect a foreman and then reach a decision based upon the judgment of each individual juror.
17. Jury retires to deliberate. While Jury is reaching a verdict, class members could write an evaluation. Jury returns a verdict in written form to the Judge, who reads the verdict.

Strategy No. 21--Dialogue Debate

Why?

The dialogue debate provides a structured discussion of a controversial topic. More than a regular debate, the dialogue debate encourages students to examine many arguments from each point of view.

How?

The teacher should select four students or four teams for each debate. After the students have had enough preparation time, the debaters should conduct their debate before the other members of the class who will have opportunities to question the debaters after the completion of two or more rounds. Round I is begun with a spokesperson from one side developing one argument. The teacher should listen and, when one point has clearly been made, the teacher should stop the speaker. At that time a spokesperson from the other side must pick up the first point presented, refute it to the best of his ability and continue to develop a new point in favor of his side's position. Once again, the teacher should stop this second speaker as soon as the speaker has developed a new idea. The first side then must respond and develop a third idea. The same pattern should be followed with each round consisting of statements from each student or team. Depending upon the complexity of the topic and the amount of preparation, only two or more rounds may be needed. At the end of the last round the audience should be encouraged to ask questions and offer additional points. The debaters may ask for a vote from the audience to determine the winning side.

Strategy No. 22--Structured Discussion

Why?

These techniques facilitate discussion by focusing attention on specific questions or issues and involving more students in a balanced examination of a topic or concept.

How?

Several variations of directed discussion may be used, including the following:

SERIAL STORY: Select a narrative involving one or more legal issues. Break the story into segments. Each segment should raise a legal point to be discussed or a decision to be made. Consider only one segment at a time. Conclude with an examination of the final conclusions in light of the discussion which preceded.

ROTATION DISCUSSION: To insure maximum participation in a discussion, code questions to be discussed. For example, number or letter each question and assign corresponding letters or numbers to students. The students who are assigned a particular letter or number will be the first to respond when their question is raised. This technique works well with the serial story.

DISCUSSION SHEETS OR CARDS: Introduce a topic or problem. The source may be a story, a film, a tape, etc. Divide the class into groups of 3 or 4. Hand each group a card or sheet with specific questions to be discussed. The questions may be the same, or each group may be given questions dealing with one aspect of the problem or situation. The groups should work toward consensus. Conclude with a report from each group. Allow time for minority dissents to be discussed. Try to reach a class consensus.

PROGRESSIVE LISTENING: This activity is designed to enhance discussion and improve listening skills. The group leader makes or presents a "devil's advocate" statement to the group and asks for a response. The speaker is free to agree or disagree so long as he gives a reason for his position. The discussion continues with a response by another group member, *but* before the speaker can respond he must summarize what the former speaker said to the former speaker's satisfaction. The discussion continues in this way. Speakers may volunteer or each person may be asked to respond (though anyone should be free to pass) if he chooses. The class may be divided into groups for the activity if it is large.

SPOTLIGHT: This strategy is a useful discussion tool as well as a listening skill builder. It allows each student to have the undivided attention of his partners, to serve as a listener and clarifier, and to be an observer of the discussion process. Divide the class into groups of three. Have the students arrange their chairs in a circle. Assign each member of the trio a role as the responder, the clarifier, or the summarizer. Describe each role as follows:

- The Responder:* Listens to a statement by the teacher and has two minutes (or whatever time is appropriate) to respond without interruption.
- The Clarifier:* After listening to the responder, asks clarifying questions (approximately two minutes). The clarifier cannot interject personal thoughts at this time.
- The Summarizer:* Listens to both of his partners and at the conclusion of their discussion, gives feedback on the process involved by indicating whether they fulfilled their roles and by giving examples.

Strategy No. 23--Quick Survey

Why?

This strategy allows the teacher and all class members to observe the range of attitudes within the class.

How?

Prearrange a distinct visual signal for each of five positions: strongly agree, agree, no opinion, disagree, strongly disagree. The teacher then makes a statement which requires an expression of opinion. The students are instructed to think silently about their answer and, at a given signal, to vote.

This strategy can be followed with open interviewing, **Strategy No. 7**, to allow students to elaborate on their positions.

Strategy No. 24--Field Trip

Why?

To provide first-hand learning experiences which help students relate the classroom study to actual community models.

How?

Before planning any field experiences, the teacher should clearly understand the local school or district's rules and regulations regarding field trips. The building principal usually will have this information or can direct teachers to the proper source.

The field trip should be planned as an integral part of the unit of study and may be successfully used at different times depending upon the teacher's purpose. For example, a field trip may be used to introduce a topic thereby stimulating interest in the proposed course of study. It may be used during the course of study to provide additional information or experiences not available through other sources. It can also serve as a final activity, enabling students to compare the classroom experience to the reality of people and institutions in action. A successful field trip requires very careful planning. The teacher should discuss with the students the purpose of the field trip, the expected results, and what may be observed. In addition, the students should understand the mechanics of the field trip as well as appropriate dress and behavior.

Following the trip, the teacher should plan questions and activities which relate the field experiences to the unit of study.

Strategy No. 25--Resource Speaker

Why?

To give students opportunities for face to face contact with people who can give first-hand information about the subject under study.

How?

Before inviting any guest speakers, the teacher should fully understand the local school or district's policies regarding guest speakers. The building principal will usually have this information or can direct teachers to the proper source.

Ordinarily a guest speaker will be making some special effort to come to the classroom; therefore, the guest speaker should be extended special courtesy. For example: arrangements should be made for parking, someone to meet the speaker, guide the speaker to the room, and see that the speaker is escorted out of the building.

The use of the resource speaker is most successful if the teacher makes careful plans for the visit. Prior to the visit the person should be contacted and briefed. Briefing might include an explanation of the objectives for the visit, characteristics of the students, and how the topic has been treated thus far in the course of the study.

The teacher should discuss with the class the reasons for inviting the speaker, the kinds of information the speaker may be expected to bring, and the kinds of questions the students may wish to ask.

Following the visit, the teacher should plan questions and activities which relate the information brought by the speaker to the unit of study.

Strategy No. 26--Music, Poetry, and the Social Law

Why?

To encourage students to synthesize learning regarding a legal concept such as Separation of Powers.

How?

1. Divide the class into groups of 3-5. Give each group a sheet of paper containing ten words, a large sheet of paper, marking pens, and the following instructions:
 - You will be given a sheet of paper with 10 words on it. You are to use these 10 words in composing two poems, one about the unity of government and the other about the divisions found in government.
 - There is an additional instruction on your sheet that is to be incorporated in your poems. (either to praise, to mourn, to satirize, to pray for, or to petition)
 - Write poems on the big sheets.
 - Be prepared to give poems to group either in song, choral readings, or solo reading with "background."
2. Sample words:

Mr. President	absolute
legislature	Nine Old Men
justice	balance
illegal	unconstitutional
Capitol Hill	check
lesser courts	The Honorable, Mr. Chief Justice
equitable	appoint
reasonable	power
jurisdiction	the White House
Burger	elect
3. Encourage students to write original musical compositions or original lyrics for a familiar tune. If they choose to write a poem, suggest background music or sound to add drama to the presentation. The activity will be most successful if the teacher can set the stage for a full scale production.
4. Have each group present its original composition for the class and follow with a group discussion. The following types of questions are suggested:
 - a. What was the song or poem about?
 - b. What did the group have to say about the topic?
 - c. What kinds of feelings were created? How was this accomplished?
 - d. How did these impressions agree with what you, the creators, intended to convey?
 - e. Do you agree or disagree with what the group had to say about its topic? Why?

Strategy No. 27--Learning Stations

Why?

To provide an opportunity for students to participate in direct study in a structured learning environment. This type of activity has the added advantage of allowing students to move about the room freely while still providing a sense of direction. Learning stations can be used to gather information during a unit of study or to synthesize learning at the conclusion of a unit of study. The activity may also be used as a test.

How?

1. Develop a series of specific tasks related to the topic being studied. Each task should be an independent activity so that students may proceed through the stations at random.
2. Have each student select a partner (groups of three may be used also).
3. Set up stations around the room with one task at each station.
4. Instruct each team to go to a vacant station and complete the specified activity.
5. After the completion of the activity, the team should move on to another station. If all stations are filled, the team members could use the time to reevaluate their solutions to the completed tasks.
6. At the conclusion of the activity, the class should discuss each station, allowing each team to report on its decision or solution. The types of questions to be asked will depend upon the nature of the learning experience.

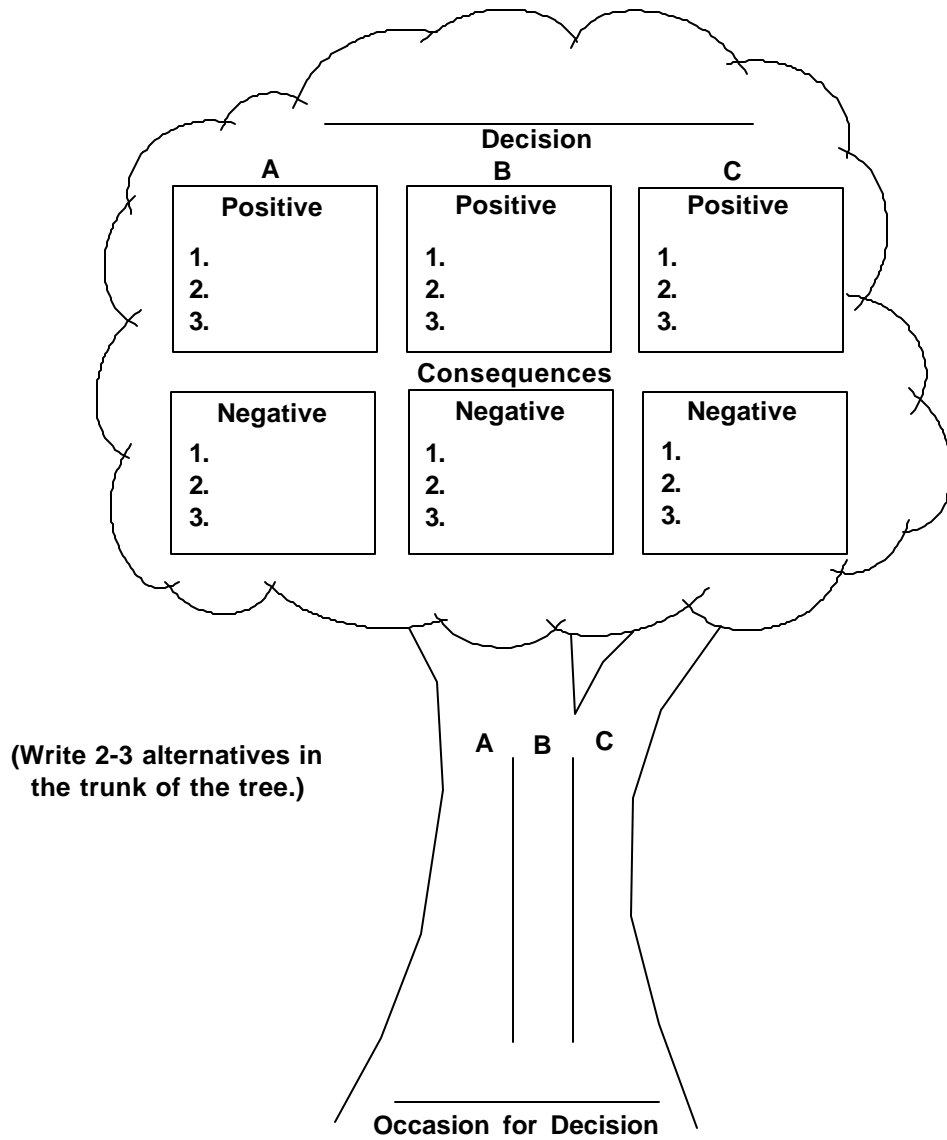
Strategy No. 28--Decision Tree

Why?

To create a visual display of possible alternatives and consequences in the decision-making process.

How?

1. Provide students with a model of the decision tree on a handout, transparency or chalkboard.
2. Identify the occasion for a decision, such as choosing a leader or settling a conflict.
3. Map out two or more alternatives along the trunk and branches of the tree. In the foliage of the tree, list the positive and negative consequences.
4. Review and weigh the consequences. Make a decision.



The decision tree device was developed by Roger LaRaus and Richard C. Remy. Used with their permission.

Strategy No. 29--Moot Court

Why?

A moot court simulation provides an incentive for students to develop issues and arguments in a case study. The preparation of the arguments and the questioning and deliberation by the justices will require higher-level thinking skills of analysis, synthesis, and evaluation.

How?

1. Using a case study, review the facts and issues involved in the case with the class as a whole.
2. Divide the class into three groups. Assign one group of nine to act as the Supreme Court. Assign the other two groups to act as petitioner and respondent.
3. Allow each group to meet for 10 minutes to brainstorm arguments in support of their side. After brainstorming, each group will develop and refine their arguments and select a spokesperson/attorney. The Supreme Court group will prepare questions to ask each group.
4. Attorneys will have five to ten minutes to argue their side. The petitioner goes first and is given a 3-minute rebuttal after the respondent's argument.
5. Allow the justices to deliberate in front of the class. The Chief Justice will call for a vote after deliberation.
6. Debrief the activity, comparing the procedures, arguments, and decisions of the moot court with the real case. Highlight the better-developed arguments.

Strategy No. 30-- Supreme Court Conference

Why?

To provide an opportunity for students to understand how the opinion process works on the appellate level. The strategy provides practice in forming consensus and exercises skills of persuasion and critical thinking.

How?

1. Provide students with the facts of a real or hypothetical case study.
2. Instruct students to read facts and write a brief summary of their opinion and their reasons.
3. Divide class into groups of nine. Appoint a Chief Justice in each group. Assign remaining Justices numbers 1-8.
4. Explain to students the group process:

- a. Starting with Justice No. 8, each person should give his or her opinion. Each Justice should keep a tally of the other Justices' opinions for or against and make a note of key reasons for the opinions.
 - b. Recess the group. Hold a 10-minute free discussion of the case among various justices. Justices will want to try to persuade others and try to form a majority opinion.
5. Debriefing Questions:
- a. What basis did you use to formulate your initial opinion?
 - b. Did you get others to agree with you? What were the most persuasive reasons that caused opinions to change?

NOTE: Additional methods for using case studies are found in **Strategy No. 19.**

Adapted from Bill of Rights in Action, with permission of Constitutional Rights Foundation, 601 S. Kingsley Drive, Los Angeles, CA 90005 213/487-5590.

Strategy No. 31-- Daily Journal Writing

Why?

Journal writing offers students an on-going opportunity to develop their writing skills as well as to express and defend their opinions on important issues raised in class discussions.

How?

The teacher provides a stimulus at the beginning of each class period and asks the students to spend 3-5 minutes writing their responses. A wide variety of stimuli (questions, cartoons, quotes, photographs, visuals, graphs, newspaper articles, and editorials) can be used to keep the activity from getting monotonous. In general, the more open-ended the questions, the more likely students are to respond in greater depth.

Questions Can Be Related to Content

1. What is the most important (interesting, puzzling, thought-provoking, frustrating) thing you learned in class yesterday? Explain.
2. Summarize the main idea of the majority decision in the *Tinker* case. Do you agree or disagree? Explain.
3. If you could retain only one right in the Bill of Rights, which one would it be and why?
4. If you could meet anyone from America (world, Texas) history, who would it be and why?

Questions Can Be Related To Passages From the Textbook, Newspaper Articles or Editorials, or Editorial Cartoons

1. What is your reaction to what you have just read (seen)? Explain.
2. How is the main idea in this cartoon like (different) from the one we look at yesterday?
3. Does this cartoonist favor or oppose the proposed flag burning amendment? How do you know?

Questions Can Be Related To Process

1. Did you enjoy yesterday's activity? Why or why not? What did you learn from it?
2. Evaluate your participation in yesterday's activity.

Questions Can Be Related To Students' Own Lives and Interests

1. What are your immediate plans following graduation? Long range?
2. What is your favorite television show? Explain.
3. What is a big concern you have about the future?

Evaluation

Ask students to begin each journal entry with a topic sentence, have a body of 3-5 sentences, and write a conclusion. If they do that and their supporting statements are factually correct and/or logically sound, they earn the equivalent of an A for that day's entry. Some students routinely dash off 1 or 2 sentences, no more; that rates a C. Faulty logic, unsubstantiated assertions, etc. result in less than an A. Invariably some students write volumes and do it well? Those are the A+ papers.

Some teachers collect these daily and simply give "credit" or "no credit"--others consider the quality of the response. Take them up on a weekly basis, with each entry counting 20% of the grade. Write lots of comments on the papers--this activity is a wonderful way to get to know the very quiet but thoughtful (as in "full of thought") student. This strategy can be used to develop a relationship with a student in a way that would never happen just through class discussion and group activities.